

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010080364

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On August 8, 2010, Student filed a Due Process Hearing Request (complaint), naming the Palo Alto Unified School District (District). On September 27, 2010, Student filed a First Amended Complaint, which will be deemed a motion to amend the complaint. On the same day the District indicated it had no opposition to the amendment of the complaint.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i)(II).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (§1415(f)(1)(B).)

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this Order. All dates currently set are vacated, and the applicable timelines shall be reset as of the date of this Order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: September 28, 2010

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.